

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JUAN M. RAMIREZ and IRENE RAMIREZ,

Plaintiffs,

v.

CESAR DE LA ROSA GERMOSÉN;
RYDER TRUCK RENTAL; MOE DOES,
CURLY DOE, LARRY DOE and/or THREE
STOOGES CORPORATION (fictitious names
for the persons, partnerships and/or
corporations intended),

Defendants.

Civil Action No.:

NOTICE OF REMOVAL

Defendant, Ryder Truck Rental, Inc. (hereinafter “Ryder”), seeks removal of this action to the United States District Court for the District of New Jersey. In support of removal, Ryder states the following:

1. Plaintiffs commenced this action on or about January 16, 2019 in the Superior Court of New Jersey, Law Division, Essex County by filing a complaint bearing Docket No. ESX-L-375-19. (*Exhibit A* - Plaintiffs’ complaint.)

2. According to Plaintiffs’ complaint, Plaintiffs are citizens of New Jersey. (*Id.*)

3. Ryder Truck Rental, Inc., is a citizen of Florida with its principal place of business in Miami, Florida.

4. Defendant Cesar De La Rosa Germosen has not yet been served. However, his is a citizen of Florida. (*Exhibit B- Police Report*).

5. Plaintiffs’ Complaint alleges that Plaintiff, Juan Ramirez suffered severe and permanent injuries in the accident at issue. (*Exhibit A*). Thus, upon information and belief, Plaintiffs seek damages in excess of \$75,000.

6. The filing of this Notice of Removal is timely in that it was filed within 30 days of January 21, 2019, which is the date of service upon Ryder. (*Exhibit C* – Filed Proof of Service)

7. Jurisdiction in this Court is proper under U.S.C. § 1332, as there is diversity of citizenship between the parties and the amount in controversy exceeds \$75,000. Removal of this action to the District of New Jersey is proper pursuant to 28 U.S.C. 1441(a) & (b), and 28 U.S.C. § 1332.

GOLDBERG SEGALLA, LLP

By: /s/ Christopher P. Midura
Christopher P. Midura
*Attorneys for Defendant, Ryder Truck
Rental, Inc.*

Dated: February 20, 2019

Exhibit A

Jan. 12. 2019 9:18AM

No. 2741 P. 18

Answer due

02-26-19

EINHORN, HARRIS, ASCHER, BARBARITO & FROST

A Professional Corporation

165 E. Main Street

P.O. Box 3010

Denville, New Jersey 07834-3010

(973) 627-7300

Christopher L. Musmanno, Esq.

Attorney ID No. 020031988

*Attorneys for Plaintiffs, Juan M. Ramirez and Irene Ramirez*JUAN M. RAMIREZ and IRENE) SUPERIOR COURT OF NEW JERSEY
RAMIREZ,) LAW DIVISION: ESSEX COUNTY

Plaintiff,)

) Docket No. ESX-L-375-19

vs.)

CESAR DE LA ROSA GERMOSEN,)

RYDER TRUCK RENTAL, MOE DOE,)

CURLY DOE, LARRY DOE and/or THREE)

STOOGES CORPORATION (fictitious)

names for the persons, partnerships and/or)

corporations intended),)

Defendants)

Civil Action

SUMMONS

FROM THE STATE OF NEW JERSEY

TO THE ABOVE-NAMED DEFENDANT(S): RYDER TRUCK RENTAL

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The Complaint attached to this Summons states the basis for this lawsuit. If you dispute this Complaint, you or your attorney must file a written Answer or motion and proof of service with the deputy clerk of the Superior Court in the County above within thirty-five (35) days from the date you receive this Summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the Complaint is one in foreclosure, then you must file your written Answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, CN 971, Trenton, New Jersey 08625. A filing fee payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your Answer or motion when it is filed. You must also send a copy of your Answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a

Jan 16, 2019 9:18AM

No. 274 P. 19

written Answer or motion (with fee of \$175.00 for Law Division and \$175.00 for Chancery Division and completed Case Information Statement) if you want the Court to hear your defense.

If you do not file a written Answer or motion within thirty-five (35) days, the Court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services Office in the county where you live. A list of these offices is provided. If you do not have an attorney and are eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

Michelle M. Smith
Michelle M. Smith,
Clerk of the Superior Court

DATED: January 16, 2019

Name of defendant to be served:

RYDER TRUCK RENTAL

Address of the defendant to be served:

**3100 Industrial Parkway
Jeffersonville, IN 47130**

Mar 19, 2019 9:13AM

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ATLANTIC COUNTY
Deputy Clerk of the
Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd.
First Fl.
Atlantic City, NJ 08401
LAWYER REFERRAL
609-345-3444
LEGAL SERVICES
609-348-4200

CAPE MAY COUNTY
Deputy Clerk of the
Superior Court
Central Processing Office
9 N. Main Street
Box DN-209
Cape May Court House, NJ 08210
LAWYER REFERRAL
609-463-0333
LEGAL SERVICES
609-465-3001

HUDSON COUNTY
Deputy Clerk of the Superior Court
Superior Court
Civil Records Dept.
Brennan Court House - 1st Floor
583 Newark Ave.
Jersey City, NJ 07306
LAWYER REFERRAL
201-798-2727
LEGAL SERVICES
201-792-6363

BERGEN COUNTY
Deputy Clerk of the
Superior Court
Case Processing Section
Room 119
Justice Center - 10 Main St.
Hackensack, NJ 07601-0769
LAWYER REFERRAL
201-488-0044
LEGAL SERVICES
201-487-2166

CUMBERLAND COUNTY
Deputy Clerk of the
Superior Court
Civil Case Management
Office
Broad & Fayette Sts.
P.O. Box 615
Bridgeton, NJ 08302
LAWYER REFERRAL
856-692-6207
LEGAL SERVICES
856-431-0003

HUNTERDON COUNTY
Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08862
LAWYER REFERRAL
908-735-2611
LEGAL SERVICES
908-782-7979

BURLINGTON COUNTY
Deputy Clerk of the
Superior Court
Central Processing Office
Attn: Judicial Intake
First Floor Courts Facility
49 Rancocas Rd.
Mt. Holly, NJ 08060
LAWYER REFERRAL
609-261-4862
LEGAL SERVICES
609-261-1088

ESSEX COUNTY
Deputy Clerk of the
Superior Court
237 Hall of Records
465 Martin L King Jr Blvd
Newark, NJ 07102
LAWYER REFERRAL
973-622-7753
LEGAL SERVICES
973-624-4500

MERCER COUNTY
Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 South Broad St.
P.O. Box 8068
Trenton, NJ 08630
LAWYER REFERRAL
609-385-6200
LEGAL SERVICES
609-695-6349

CAMDEN COUNTY
Deputy Clerk of the
Superior Court
Civil Processing Office
1st Fl. Hall of Records
101 So. Fifth St.
Camden, NJ 08103
LAWYER REFERRAL
856-964-4320
LEGAL SERVICES
856-964-3010

GLOUCESTER COUNTY
Deputy Clerk of the
Superior Court
Civil Case Management
Office
Attn: Intake
First Fl., Court House
1 North Broad St., P.O. Box 129
Woodbury, NJ 08096
LAWYER REFERRAL
856-848-4589
LEGAL SERVICES
856-848-5360

MIDDLESEX COUNTY
Deputy Clerk of the Superior Court
Administration Building
Third Floor
1 Kennedy Sq., P.O. Box 2633
New Brunswick, NJ 08903-2633
LAWYER REFERRAL
732-828-0053
LEGAL SERVICES
732-249-7600

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MONMOUTH COUNTY
Deputy Clerk of the
Superior Court
71 Monument Park
P.O. Box 1262
Court House, East Wing
Freehold, NJ 07728-1262
LAWYER REFERRAL
732-431-5544
LEGAL SERVICES
732-866-0020

MORRIS COUNTY
Deputy Clerk of the
Superior Court
Civil Division
30 Schuyler Pl.
PO Box 910
Morristown, NJ 07960-0910
LAWYER REFERRAL
973-267-5882
LEGAL SERVICES
973-285-6911

OCEAN COUNTY
Deputy Clerk of the
Superior Court
Court House, Room 119
118 Washington Street
Toms River, NJ 08754
LAWYER REFERRAL
732-240-3666
LEGAL SERVICES
732-341-2727

PASSAIC COUNTY
Deputy Clerk of the
Superior Court
Civil Division
Court House
77 Hamilton St.
Paterzon, NJ 07505
LAWYER REFERRAL
973-278-0323
LEGAL SERVICES
973-345-7171

SALEM COUNTY
Deputy Clerk of the
Superior Court
92 Market St., P.O. Box 18
Salem, NJ 08079
LAWYER REFERRAL
856-935-5629
LEGAL SERVICES
856-964-2010

SOMERSET COUNTY
Deputy Clerk of the
Superior Court
Civil Division Office
New Court House, 3rd Fl.
P.O. Box 3000
Somerville, NJ 08876
LAWYER REFERRAL
908-685-2323
LEGAL SERVICES
908-231-0810

SUSSEX COUNTY
Deputy Clerk of the
Superior Court
Sussex Cty Judicial Center
43-47 High Street
Newton, NJ 07860
LAWYER REFERRAL
973-267-5882
LEGAL SERVICES
973-383-7400

UNION COUNTY
Deputy Clerk of the
Superior Court
First Fl., Court House
2 Broad St.
Elizabeth, NJ 07207-6073
LAWYER REFERRAL
908-353-4715
LEGAL SERVICES
908-527-4769

WARREN COUNTY
Deputy Clerk of the
Superior Court
Civil Division Office
Court House
Belvidere, NJ 07823-1300
LAWYER REFERRAL
973-267-5882
LEGAL SERVICES
908-475-2010

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EINHORN, HARRIS, ASCHER, BARBARITO & FROST
A Professional Corporation
165 E. Main Street
P.O. Box 3010
Deenville, New Jersey 07834-3010
(973) 627-7300
Christopher L. Musmanno, Esq.
Attorney ID No. 020031988
Attorneys for Plaintiffs, Juan M. Ramirez and Irene Ramirez

JUAN M. RAMIREZ and IRENE RAMIREZ, SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY

Plaintiff,

Docket No. ESX-L-

vs.

Civil Action

CESAR DE LA ROSA GERMOSEN,
RYDER TRUCK RENTAL, MOE DOE,
CURLY DOE, LARRY DOE and/or THREE
STOOGES CORPORATION (fictitious
names for the persons, partnerships and/or
corporations intended),

COMPLAINT, JURY DEMAND,
DESIGNATION OF TRIAL COUNSEL,
DISCOVERY DEMANDS AND
CERTIFICATIONS

Defendants.

Plaintiffs, Juan M. Ramirez and Irene Ramirez, residing at 180 E. Kinney Street, in the City
of Newark, County of Essex, and State of New Jersey, by way of Complaint against the defendants
say;

FIRST COUNT

(As to Plaintiff, Juan M. Ramirez)

1. On or about, Friday, June 8, 2018, at approximately 8:01 a.m., Plaintiff, Juan M.
Ramirez, was the owner of a motor vehicle which he was occupying while it was parked on the side
of the road on Elm Street, in the City of Newark, County of Essex, and State of New Jersey.

WHEREFORE, Plaintiff, Juan M. Ramirez, demands Judgment against the Defendants, Cesar De La Rosa Germoson, Ryder Trucking Rental, Moe Doe, Larry Doe, Curly Doe and Three Stooges Corporation (fictitious names for the persons, partnerships and/or corporations intended) jointly and severally for damages, interest, and cost of suit.

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SECOND COUNT

(As to Plaintiff, Irene Ramirez)

1. On or about, Friday, June 8, 2018, at approximately 8:01 a.m., Plaintiff, Irene Ramirez, was the passenger in a motor vehicle owned by Plaintiff, Juan M. Ramirez, which was parked on the side of the road on Elm Street, in the City of Newark, County of Essex, and State of New Jersey.

2. At the aforesaid time and place, Defendant, Cesar De La Rosa Germosen, was the operator of a motor vehicle owned by Defendant, Ryder Truck Rental, which was on Jefferson Street making a left hand turn onto Elm Street, in the City of Newark, County of Essex, and State of New Jersey.

3. At the aforesaid time and place, Defendant, Cesar De La Rosa Germosen, negligently, carelessly, and recklessly operated the aforesaid motor vehicle by attempting to make a left hand turn causing the trailer to swing, striking Plaintiff's vehicle, on the front driver's side quarter panel, seriously injuring Plaintiff, Irene Ramirez.

4. As a direct and proximate result of the negligence of Defendant, Cesar De La Rosa Germosen, as aforesaid, Plaintiff, Irene Ramirez, sustained severe and permanent personal injuries including, but not limited to; left lateral disc herniation at L3-L4 with focal extrusion causing left L3 nerve root impression and displacement, L2-L3 disc herniation with left L2 nerve root impression, and disc herniations at C4-C5 and C5-C6 which are extruded and flatten the right cervical ventral spinal cord; has been and will be caused great pain and suffering; has been and will be caused to expend large sums of money in an effort to cure herself of her injuries; has been and will be deprived of attending to her usual activities and other great damages.

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WHEREFORE, Plaintiff, Irene Ramirez, demands Judgment against the Defendants, Cesar De La Rosa Germosen, Ryder Trucking Rental, Moe Doe, Larry Doe, Curly Doe and Three Stooges Corporation (fictitious names for the persons, partnerships and/or corporations intended) jointly and severally for damages, interest, and cost of suit.

THIRD COUNT

1. Plaintiffs, Juan M. Ramirez and Irene Ramirez, repeat each and every allegation of the First and Second Counts of the Complaint as though more fully set forth herein.

2. At all relevant times herein, the Defendants, Cesar De La Rosa Germosen, Ryder Trucking Rental, Moe Doe, Larry Doe, Curly Doe and Three Stooges Corporation, (fictitious names for the persons, partnerships and/or corporations intended), so negligently, carelessly, and recklessly, owned, operated, employed the operator, designed, manufactured, sold, distributed, repaired, modified, renovated, tested, constructed, inspected and/or serviced any part of the motor vehicle involved in the within motor vehicle accident and/or any of its component parts and were otherwise negligent.

3. As a direct and proximate result of the negligence of the Defendants, Cesar De La Rosa Germosen, Ryder Trucking Rental, Moe Doe, Larry Doe, Curly Doe and Three Stooges Corporation (fictitious names for the persons, partnerships and/or corporations intended), as aforesaid, Plaintiff, Juan M. Ramirez, sustained severe and permanent personal injuries including, but not limited; disc herniations at L4-L5 and L5-S1 that impress upon the thecal sac and the disc herniation itself is making contact with the traversing L5 nerve root bilaterally, disc herniations at C4-C5 and C5-C6 that impress on the thecal sac, abnormal right C5-C6 radiculopathy, and right L5-S1 radiculopathy; has been and will be caused to expend large sums

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of money in an effort to cure himself of his injuries; has been and will be deprived of attending to his usual activities and other great damages.

4. As a direct and proximate result of the negligence of the Defendants, Cesar De La Rosa Germosen, Ryder Trucking Rental, Moe Doe, Larry Doe, Curly Doe and Three Stooges Corporation (fictitious names for the persons, partnerships and/or corporations intended), as aforesaid, Plaintiff, Irene Ramirez, sustained severe and permanent personal injuries including, but not limited; left lateral disc herniation at L3-L4 with focal extrusion causing left L3 nerve root impression and displacement, L2-L3 disc herniation with left L2 nerve root impression, and disc herniations at C4-C5 and C5-C6 which are extruded and flatten the right cervical ventral spinal cord; has been and will be caused to expend large sums of money in an effort to cure herself of her injuries; has been and will be deprived of attending to her usual activities and other great damages.

WHEREFORE, Plaintiff, Juan M. Ramirez and Irene Ramirez, demand Judgment against the Defendants, Cesar De La Rosa Germosen, Ryder Trucking Rental, Moe Doe, Larry Doe, Curly Doe and Three Stooges Corporation (fictitious names for the persons, partnerships and/or corporations intended) jointly and severally for damages, interest, and cost of suit.

EINHORN, HARRIS, ASCHER,
BARBARITO & FROST, P.C.
Attorneys for Plaintiffs

BY:


CHRISTOPHER L. MUSMANNO

Dated: January 15, 2019

Jan. 18, 2019 9:19AM

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JURY DEMAND

Plaintiff requests a trial by jury on all issues involved.

EINHORN, HARRIS, ASCHER,
BARBARITO & FROST, P.C.
Attorneys for Plaintiffs

BY:

CHRISTOPHER L. MUSMANNO

Dated: January 15, 2019

DESIGNATION OF TRIAL COUNSEL

Pursuant to the provisions of the Rule 4:25-4, the Court is advised that Christopher L. Musmanno is hereby designated as trial counsel.

EINHORN, HARRIS, ASCHER,
BARBARITO & FROST, P.C.
Attorneys for Plaintiffs

BY:

CHRISTOPHER L. MUSMANNO

Dated: January 15, 2019

DEMAND FOR INTERROGATORY ANSWERS

Pursuant to R.4:17-1(b)(ii), the Plaintiff hereby demands that all Defendants answer the uniform interrogatories listed in Form C and C(1) of Appendix II of the Rules of Court.

EINHORN, HARRIS, ASCHER,
BARBARITO & FROST, P.C.
Attorneys for Plaintiffs

BY:

CHRISTOPHER L. MUSMANNO

Dated: January 15, 2019

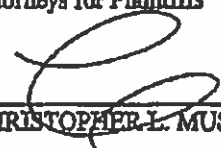
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DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

The undersigned attorney for Plaintiff hereby demands that proof of all insurance which may extend coverage to the Defendants for the subject incident and the limits of said coverage be furnished to Plaintiff within five days of the date hereof.

EINHORN, HARRIS, ASCHER,
BARBARITO & FROST, P.C.
Attorneys for Plaintiff

BY:


CHRISTOPHER L. MUSMANNO

Dated: January 15, 2019

NOTICE IN LIEU OF SUBPOENA

Pursuant to R.1:9-1 Plaintiff hereby demands the appearance of each and every named Defendant for the purpose of giving testimony in the above referenced action at the time of trial.

EINHORN, HARRIS, ASCHER,
BARBARITO & FROST, P.C.
Attorneys for Plaintiff

BY:


CHRISTOPHER L. MUSMANNO

Dated: January 15, 2019

Jan. 13. 2019 9:19AM

LCV201909220 No. 2741 F. 31
LCV201909220 11/15/2019 10:09:54 AM Pg 8 of 10 Trac ID: LCV201909220

NOTICE TO PRODUCE DOCUMENTS

1. Any part of the vehicle that any party to this action alleges was defective as a result of its design, manufacture, preparation for sale or service and as a proximate cause of the incident described in the complaint for which damages are claimed in this action for inspection, examination, photographing and testing, if necessary, at the facilities of the defendant serving this request for production.
2. All photographs of the vehicle or any of its parts that exist so that copies can be made.
3. All photographs of the scene of the accident or incident complained of and for which damages are claimed in this action so that copies can be made.
4. All work orders, invoices or other documents relating in any way to the purchase, service, maintenance, repair or work of any kind done on the vehicle before the time of the incident described in the complaint for which damages are claimed in this action so that copies can be made.
5. All work orders or other documents and invoices, repair estimates and bills relating in any way to the repair, service, maintenance or sale of the vehicle after the time of the incident described in the complaint for which damages are claimed in this action so that copies can be made.
6. Any contracts, subcontracts, agreements, and leases which relate in any way to the incident described in the complaint.
7. Any accident, incident, and investigative reports made by any person, corporation, or business concerning the incident described in the complaint, including any and all reports completed by or submitted to any governmental agency.
8. The written reports, notes and any other documents made by any expert, mechanic or other person who examined the vehicle or any part of it after the time of the incident described in the complaint for which damages are claimed in this action so that copies can be made.

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9. Any document containing or describing a verbal report or statement of any expert, mechanic or other person who examined the vehicle after the incident described in the complaint for which damages are claimed in this action so that copies can be made.

10. The written reports, notes and other documents made by any expert, mechanic or other person who examined any part of the vehicle that any party to this action alleges was defective as a result of its design, manufacture, preparation for sale or service and was a proximate cause of the incident described in the complaint for which damages are claimed in this action so that copies can be made.

11. Any documents containing or describing the verbal reports or statements of any expert, mechanic or other person who examined any part of the vehicle that any party to this action alleges was defective as a result of its design, manufacture, preparation for sale or service and was a proximate cause of the incident described in the complaint for which damages are claimed in this action so that copies thereof can be made.

12. Any and all reports, memoranda, letters, statements, and notes prepared or generated by each person whom this defendant anticipates calling as an expert witness at trial.

13. Any and all documents which this defendant's proposed expert witnesses have relied upon in formulating their opinions, including but not limited to all treatises, articles, books, periodicals, studies, rules, regulations, codes, and other publications.

EINHORN, HARRIS, ASCHER,
BARBARITO & FROST, P.C.
Attorneys for Plaintiffs

BY:


CHRISTOPHER L. MUSMANNO

Dated: January 15, 2019

Jan 16 2019 9:20AM LCV20-030375-19 01/15/2019 10:09:54 AM Pg 10 of 10 Trans ID: LCV20-030375-19 No. 2741 P. 33

CERTIFICATION PURSUANT TO RULE 4:5-1

I, Christopher L. Musmanno, certify that:

1. I am an attorney at law of the State of New Jersey, attorney for the Plaintiff.

2. Upon information and belief, the matter in controversy is not the subject of any other action pending in any Court or of a pending arbitration proceeding; and no other action or arbitration proceeding is contemplated. At this time, the Plaintiff knows of no other party who should be joined in the action.

I CERTIFY that the foregoing statements made by me are true. I am aware that if any of the statements are willfully false, I am subject to punishment.


CHRISTOPHER L. MUSMANNO

Dated: January 15, 2019

CERTIFICATION PURSUANT TO R. 1:38-7 (b) and (c)

I, Christopher L. Musmanno, do hereby certify that confidential personal identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b) and (c).

EINHORN, HARRIS, ASCHER,
BARBARITO & FROST, P.C.
Attorneys for Plaintiffs

BY:


CHRISTOPHER L. MUSMANNO

Dated: January 15, 2019

Jan. 18, 2019 9:19AM

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ESSEX COUNTY - CIVIL DIVISION
SUPERIOR COURT OF NJ
465 MARTIN LUTHER KING JR BLVD
NEWARK NJ 07102

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (973) 776-9300
COURT HOURS 8:30 AM - 4:30 PM

DATE: JANUARY 15, 2019
RE: RAMIREZ JOAN VS DE LA ROSA GERMOSEN CESAR
DOCKET: ESX 1 -000375 19

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON BRIDGET A. STECHER

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 003
AT: (973) 776-9300.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: CHRISTOPH L. MUSMANNO
KINHORN HARRIS ASCHER BARBARIT
165 E MAIN ST
PO BOX 3010
DENVER NJ 07834-3010

ECOURTS

Jan 18, 2019 9:13AM
LCA-L-00375-1 01/15/2019 10:09:54 AM Pg 1 of 1 Trans ID: LCV2019000220 No. 2741 P. 23

Civil Case Information Statement

Case Caption: RAMIREZ JUAN VS DE LA ROSA
GERMOSEN CESAR
Case Initiation Date: 01/16/2019
Attorney Name: CHRISTOPHER L MUSMANNO
Firm Name: EINHORN HARRIS ASCHER BARBARITO &
FROST PC
Address: 185 E MAIN ST PO BOX 3010
DENVER NJ 078343010
Phone:
Name of Party: PLAINTIFF : RAMIREZ, JUAN, M
Name of Defendant's Primary Insurance Company
(if known): Claims Advantage

Case Type: AUTO NEGLIGENCE-PERSONAL INJURY (VERBAL
THRESHOLD)
Document Type: Complaint with Jury Demand
Jury Demand: YES - 6 JURORS
Hurricane Sandy related? NO
Is this a professional malpractice case? NO
Related cases pending: NO
If yes, list docket numbers:
Do you anticipate adding any parties (arising out of same
transaction or occurrence)? NO

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual
management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

I certify that confidential personal identifiers have been redacted from documents now submitted to the
court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b)

01/15/2019
Dated

/s/ CHRISTOPHER L MUSMANNO
Signed

Jodie A. Bennett

From: Pamela L. Ewersmann
Sent: Tuesday, January 22, 2019 6:33 AM
To: Ryder Claims
Subject: LEGAL SUMMONS[1]
Attachments: img-190122082934-0001.pdf

Pamela Nally
Senior Rental Sales Representative
3100 Industrial Parkway
Jeffersonville, IN 47130
812.288.0924 Ext 17
812.283.1287 Fax

From: 0114 Rental@ryder.com <0114 Rental@ryder.com>
Sent: Tuesday, January 22, 2019 8:21 AM
To: Pamela L. Ewersmann
Subject: Scan Data from [XRX9C934E266F25][1]

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Exhibit B

Jun. 26. 2018 11:41AM

No. 3488 P. 3

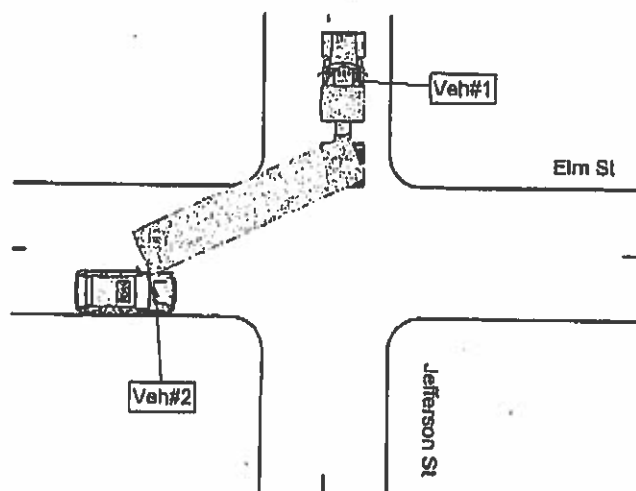
Page: 3 of 2		New Jersey Police Crash Investigation Report		<input checked="" type="checkbox"/> Reportable <input type="checkbox"/> Non-Reportable <input type="checkbox"/> Change Report	
05	1 Case Number	10 Crash Occurred On: 21M STREET		11 Speed Limit	25
07	2 Police Dept of NEWARK POLICE DEPARTMENT	<input checked="" type="checkbox"/> At Intersection With <input type="checkbox"/> Feet <input type="checkbox"/> Miles		12 Route No	---
08	3 Station/Precedent	<input type="checkbox"/> N <input type="checkbox"/> E <input type="checkbox"/> S <input type="checkbox"/> W		13 Milepost	---
09	4 Date of Crash mm dd yy	5 Day of Week	6 Time (use 2400 hrs)	7 Municipality Code	8 Total Killed
01	06 08 18	Fri	08:01	0714	0
100a	9 Total Injured	10 Total Killed	11 Latitude	12 Route Name/Route No.	13 Longitude
01	0	0	---	---	---
100b	23 Veh #	24 Policy No	25 NJ Ins Code	26 Driver's First Name	27 Number & Street
04	1	E-35726-39	ACCORD	CEGAR DE LA ROSA GERMOSEN	624 SW 1ST ST APT 510
101	<input type="checkbox"/> Parked <input type="checkbox"/> Ped <input type="checkbox"/> Pedalcyclist <input type="checkbox"/> Resp to Emergency <input type="checkbox"/> Hit & Run	28 City	29 State	30 Zip	31 State
02		MIAMI	FL	33130	---
102	32 Drivers License No	33 DOB mm dd yy	34 Expires mm yy	35 Owner's First Name	36 Number & Street
01	D462-100-52-065-0	02 25 52	02 26	RYDER TRUCK RENTAL	3100 INDUSTRIAL PARKWAY
103	37 City	38 State	39 Zip	40 Make	41 Model
02	JEFFERSONVILLE	IN	47130	ERT	TRACTOR
104	42 Plate No.	43 State	44 VIN	45 Expires	46 Vehicle Removed To
02	---	IN	3AKJGLDRHJSJA1124	10 18	<input checked="" type="checkbox"/> Driven <input type="checkbox"/> Left at Scene <input type="checkbox"/> Towed Disabled <input type="checkbox"/> Towed Disabled & Impounded
105	47 Authority	48 Alcohol/Drug Test	49 Hazardous Material	50 Carrier No.	51 Commercial Vehicle Weight
03	<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Driver <input type="checkbox"/> Police	<input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Refused <input type="checkbox"/> Breath <input type="checkbox"/> Blood <input type="checkbox"/> Urine <input type="checkbox"/> Pending	<input type="checkbox"/> None <input type="checkbox"/> On Board <input type="checkbox"/> Spill <input type="checkbox"/> Hazard Class <input type="checkbox"/> Placard No.	<input type="checkbox"/> USDOT <input type="checkbox"/> None <input type="checkbox"/> MC/MX	<input type="checkbox"/> < 10,000 lbs <input type="checkbox"/> 10,001 - 26,000 lbs <input type="checkbox"/> > 26,001 lbs
106	52 Carrier name	53 Carrier name	54 Carrier name	55 Carrier name	56 Carrier name
01	---	---	---	---	---
107	57 City	58 State	59 Zip	60 Make	61 Model
02	NEWARK	NJ	07105	CAD	ESCALADE
108	62 Plate No.	63 State	64 VIN	65 Expires	66 Vehicle Removed To
23	269EFT	NJ	1GYEK63N43R25B493	04 19	<input checked="" type="checkbox"/> Driven <input type="checkbox"/> Left at Scene <input type="checkbox"/> Towed Disabled <input type="checkbox"/> Towed Disabled & Impounded
109	67 City	68 State	69 Zip	70 Make	71 Model
04	---	---	---	---	---
110	72 Plate No.	73 State	74 VIN	75 Expires	76 Vehicle Removed To
02	---	---	---	---	---
111	77 Authority	78 Alcohol/Drug Test	79 Hazardous Material	80 Carrier No.	81 Commercial Vehicle Weight
01	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Driver <input type="checkbox"/> Police	<input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Refused <input type="checkbox"/> Breath <input type="checkbox"/> Blood <input type="checkbox"/> Urine <input type="checkbox"/> Pending	<input type="checkbox"/> None <input type="checkbox"/> On Board <input type="checkbox"/> Spill <input type="checkbox"/> Hazard Class <input type="checkbox"/> Placard No.	<input type="checkbox"/> USDOT <input type="checkbox"/> None <input type="checkbox"/> MC/MX	<input type="checkbox"/> < 10,000 lbs <input type="checkbox"/> 10,001 - 26,000 lbs <input type="checkbox"/> > 26,001 lbs
112	82 Carrier name	83 Carrier name	84 Carrier name	85 Carrier name	86 Carrier name
99	---	---	---	---	---
113	87 City	88 State	89 Zip	90 Make	91 Model
99	---	---	---	---	---
114	92 Plate No.	93 State	94 VIN	95 Expires	96 Vehicle Removed To
99	---	---	---	---	---
115	97 City	98 State	99 Zip	100 Make	101 Model
99	---	---	---	---	---
116	102 Plate No.	103 State	104 VIN	105 Expires	106 Vehicle Removed To
03	---	---	---	---	---
117	107 City	108 State	109 Zip	110 Make	111 Model
04	---	---	---	---	---
135 Damage To Other Property <input type="checkbox"/> Yes (If yes, describe) <input type="checkbox"/> No					
136 Charge					
137 Summons No					
138 Charge					
139 Summons No					
140 Charge					
141 Summons No					
142 Charge					
143 Summons No					
Name & Address of Occupant - If Deceased, Date & Time of Death					

Jun. 26. 2018 11:41AM

No. 3488 P. 5

New Jersey Police Crash Investigation Report													Case Number P18216988			PAGE <u>2</u> OF <u>2</u>	
	83	84	85	86	87	88	89	90	91	92	93	94	95	Name & Address of Occupant If Deceased, Date & Time of			
E	--	--	--	--	--	--	--	--	--	--	--	--	--	--			
F	--	--	--	--	--	--	--	--	--	--	--	--	--	--			
G	--	--	--	--	--	--	--	--	--	--	--	--	--	--			
H	--	--	--	--	--	--	--	--	--	--	--	--	--	--			
I	--	--	--	--	--	--	--	--	--	--	--	--	--	--			
J	--	--	--	--	--	--	--	--	--	--	--	--	--	--			

144 Crash Diagram

Show North by Arrow
(Not to Scale)

145 Crash Description

DRIVER OF VEH#1 STATES HE WAS MAKING A LET TURN ONTO JEFFERSON STREET WHEN HIS TRAILER UPON SWINGING, STRUCK VEH#2 IN FRONT DRIVERS SIDE QUARTER PANEL. VEH#2 WAS PARKED.

NO POLICE PURSUIT. NO INJURIES.

146 Officer's Signature
PO DASILVA, GUSTAVO

147 Badge No.
9013

148 Reviewed By
LT WHITE, DARRELL

Badge No.
6502

149 Case Status
☐ Pending ☐ Complete

Page: 1 Of 2		New Jersey Police Crash Investigation Report		<input checked="" type="checkbox"/> Reportable <input type="checkbox"/> Non-Reportable <input type="checkbox"/> Change Report	
05	1 Case Number	P18216988		10 Crash Occurred On	ELM STREET
07	2 Police Dept. of	NEWARK POLICE DEPARTMENT		11 Speed Limit	25
01	3 Station/Princt	---		12 Route No	---
09	4 Date of Crash	5 Day of Week	6 Time (use 2400 hrs)	7 Municipality Code	8 Total Killed
07	06 08 18	Fri	08:01	0714	0
100a	23 Veh #	24 Policy No	25 NJ Ins Code	53 Veh #	54 Policy No
01	1	2-35726-39	ACCORD	2	PAA80002078408
100b	26 Driver's First Name	Initial	Last Name	29 Sex	56 Driver's First Name
04	CESAR DE LA ROSA GERMOSEN			M	
101	27 Number & Street	624 SW 1ST ST APT 510		57 Number & Street	---
02	28 City	State	Zip	58 City	State Zip
102	MIAMI	FL	33130	---	---
103	30 Eyes	OL Class	Restrictions	Endorsements	31 State
01	02	A	NONE	NO	---
105	32 Drivers License No	33 DOB	34 Expires	52 Drivers License No	53 DOB
03	D462-100-52-065-0	02 25 52	02 26	---	---
106	35 Owner's First Name	Initial	Last Name	65 Owner's First Name	Initial Last Name
---	Same As Driver	RYDER TRUCK RENTAL		Same As Driver	JUAN M. RAMIREZ
107	36 Number & Street	3100 INDUSTRIAL PARKWAY		66 Number & Street	180 E. KINNEY STREET
---	37 City	State	Zip	67 City	State Zip
108	38 Make	39 Model	40 Color	41 Year	42 Plate No.
23	FRT	TRACTOR	---	2017	---
109	44 VIN	45 Expires	74 VIN	75 Expires	76 VIN
04	3AKJGLDRXHSJAL124	10 18	1GYER63N43R258493	04 19	---
110	46 Vehicle Removed To	---		76 Vehicle Removed To	---
111	<input checked="" type="checkbox"/> Driven	<input type="checkbox"/> Towed Disabled	<input type="checkbox"/> Towed Disabled & Impounded	<input checked="" type="checkbox"/> Driven	<input type="checkbox"/> Towed Disabled
01	<input type="checkbox"/> Left at Scene	<input type="checkbox"/> Towed Impounded		<input type="checkbox"/> Left at Scene	<input type="checkbox"/> Towed Impounded
112	47 Authority	<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Driver <input type="checkbox"/> Police		77 Authority	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Driver <input type="checkbox"/> Police
113	48 Alcohol/Drug Test	Given: <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Refused		78 Alcohol/Drug Test	Given: <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Refused
99	Type: <input type="checkbox"/> Breath <input type="checkbox"/> Blood <input type="checkbox"/> Urine	Results: 0. % <input type="checkbox"/> Pending		Type: <input type="checkbox"/> Breath <input type="checkbox"/> Blood <input type="checkbox"/> Urine	Results: 0. % <input type="checkbox"/> Pending
114	49 Hazardous Material	<input type="checkbox"/> None <input type="checkbox"/> On Board <input type="checkbox"/> Spill		79 Hazardous Material	<input type="checkbox"/> None <input type="checkbox"/> On Board <input type="checkbox"/> Spill
99	Hazard Class	Placard No.		Hazard Class	Placard No.
115	50 Carrier No.	<input type="checkbox"/> USDOT <input type="checkbox"/> None		80 Carrier No.	<input type="checkbox"/> USDOT <input type="checkbox"/> None
99	51 Commercial Vehicle Weight	<input type="checkbox"/> < 10,000 lbs <input type="checkbox"/> 10,001 - 26,000 lbs <input type="checkbox"/> > 26,001 lbs		81 Commercial Vehicle Weight	<input type="checkbox"/> < 10,000 lbs <input type="checkbox"/> 10,001 - 26,000 lbs <input type="checkbox"/> > 26,001 lbs
116	52 Carrier name	---		82 Carrier name	---
03	Number & Street	---		Number & Street	---
117	City	State	Zip	City	State Zip
04	135 Damage To Other Property	<input type="checkbox"/> Yes (If yes, describe) <input type="checkbox"/> No			
136 Charge	137 Summons No	138 Charge	139 Summons No	140 Charge	141 Summons No
---	---	---	---	---	---
83	84	85	86	87	88
---	---	---	---	---	---
89	90	91	92	93	94
---	---	---	---	---	---
Names & Address of Occupants - If Deceased, Date & Time of Death					

(Refer to vehicle by number)

9013
Badge Number

(Refer to vehicle by number)

Badge Number

Exhibit C

ESX-L-000375-19 02/06/2019 1:39:02 PM Pg 1 of 1 Trans ID: LCV2019230618

JUAN M. RAMIREZ, ET AL

Plaintiff

vs

CESAR DE LA ROSA GERMOSEN, ET AL

Defendant



20190118094236

Superior Court Of New Jersey

ESSEX Venue

Docket Number: ESX L 375 19

Person to be served (Name and Address):RYDER TRUCK RENTAL
3100 INDUSTRIAL PARKWAY
JEFFERSONVILLE IN 47130

By serving: RYDER TRUCK RENTAL

Attorney: CHRISTOPHER L. MUSMANNO, ESQ.

Papers Served: SUMMONS, COMPLAINT, DEMANDS, NOTICE IN LIEU OF
SUBPOENA, NOTICE TO PRODUCE DOCUMENTS, CERTIFICATIONS,
TRACK ASSIGNMENT NOTICE, CIS**AFFIDAVIT OF SERVICE**

(For Use by Private Service)

Cost of Service pursuant to R. 4:4-3(c)

\$ _____

Service Data: ☒ Served Successfully ☐ Not ServedDate/Time: 1/21/2019 1:35 pm

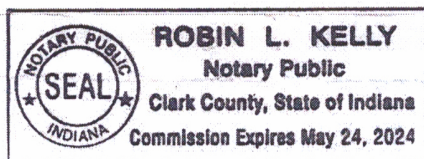
Name of Person Served and relationship/title:

Pam Nally, Sr Sales Rep.☐ Delivered a copy to him/her personally☐ Left a copy with a competent household member over 14 years of age residing therein (indicate name & relationship at right)☒ Left a copy with a person authorized to accept service, e.g. managing agent, registered agent, etc. (indicate name & official title at right)**Description of Person Accepting Service:**SEX: F AGE: 35 HEIGHT: 5'3" WEIGHT: 175 SKIN: Caucasian HAIR: Brown OTHER: No glasses**Unserved:**

- ☐ Defendant is unknown at the address furnished by the attorney
☐ All reasonable inquiries suggest defendant moved to an undetermined address
☐ No such street in municipality
☐ Defendant is evading service
☐ Appears vacant
☐ No response on:

Date/Time: _____
 Date/Time: _____
 Date/Time: _____

Other: _____

**Served Data:**

Subscribed and Sworn to me this

26th day of January, 20 19Notary Signature: Robin L. Kelly

Name of Notary

Commission Expiration 5/24/2024I, Ruel Harris

was at the time of service a competent adult, over the age of 18 and not having direct interest in the litigation. I declare under penalty of perjury that the foregoing is true and correct.

Signature of Process Server Ruel HarrisDate 1/21/2019

Name of Private Server: _____ Address: 2009 Morris Avenue UNION, NJ 07083 Phone: (800) 672-1952